

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

KEVIN GRANT	§	
VS.	§	CIVIL ACTION NO. 5:13-CV-100
SCOTT YOUNG, WARDEN	§	

MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

Petitioner, Kevin Grant, a federal prisoner confined at FCI Texarkana, proceeding *pro se*, and *in forma pauperis*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The Court referred this matter to the Honorable Caroline Craven, United States Magistrate Judge, at Texarkana, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends the petition for writ of habeas corpus be denied.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings. Petitioner filed objections to the Magistrate Judge’s Report and Recommendation. This requires a de novo review of the objections in relation to the pleadings and applicable law. *See* FED. R. CIV. P. 72(b).

Petitioner challenges a disciplinary conviction. In his objections, he again argues that prison officials failed to comply with prison regulations during the investigation and disciplinary proceedings. Even if petitioner is correct, this allegation would not entitle him to relief. As stated by the Magistrate Judge, failure to follow prison regulations, standing alone, does not constitute a violation of a petitioner’s due process rights. *Murphy v. Collins*, 26 F.3d 541, 543 (5th Cir. 1994). “A prison official’s failure to follow the prison’s own policies, procedures or regulations does not constitute a violation of due process, if constitutional minima are nevertheless met.” *Myers v. Klevenhagen*, 97 F.3d 91, 94 (5th Cir. 1996) (citations omitted). In

Wolff, the Supreme Court established the process due an inmate charged with violating prison rules. *Wolff v. McDonnell*, 418 U.S. 539, 94 S.Ct. 2963, 41 L.Ed.2d 935 (1974). As petitioner has not established he was denied any of the procedural protections established in *Wolff*, he is not entitled to relief. The objections are, therefore, without merit.

ORDER

Accordingly, the objections of petitioner are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

It is SO ORDERED.

SIGNED this 17th day of November, 2013.

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE